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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 **Case No. 3:23-cv-04597-EMC**

10 **Filed:** September 7 2023

11 **District Judge:** Honorable Edward M. Chen

12 **ASHLEY GJOVIK, an individual,**

13 Plaintiff,

14 v.

15 **APPLE INC, a corporation,**

16 Defendant.

17 **MOTION FOR JUDICIAL NOTICE**

18 **Hearing**

19 Dept: Courtroom 5, 17th Floor (Virtual)

20 Date: February 8, 2024 1:30 p.m.

21 *Plaintiff Does Not Require Oral Arguments*

22 *Concurrent with:*

23 *Defendant's Motion to Dismiss (Doc #30)*

24 *P's Opposition to Motion to Dismiss (Doc #33)*

25 **Motion for Judicial Notice Cover Page: Exhibit 11**

26 **Summary: News about Plaintiff's Charges**

27 **Declaration:** I verified the authenticity of each of these documents. A true and correction
28 version of each document is attached in each exhibit. I declare under penalty of perjury this is
true and correction. /s/ Ashley M. Gjovik (December 25 2023).

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13 **SECTION:**
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17 **NYT - July 23 2021**
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The Wayback Machine - <https://web.archive.org/web/20210723170337/https://www.nytimes.com/2021/07/23/business/return-to-office-vaccine-mandates-delta-variant.html>**The New York Times**<https://www.nytimes.com/2021/07/23/business/return-to-office-vaccine-mandates-delta-variant.html>

Delays, More Masks and Mandatory Shots: Virus Surge Disrupts Office-Return Plans

A wave of the contagious Delta variant is causing companies to reconsider when they will require employees to return, and what health requirements should be in place when they do.

By **Lauren Hirsch and Kellen Browning**

July 23, 2021, 12:59 p.m. ET

Several hospital systems that previously held off making vaccines mandatory for health care workers are [now willing to do so](#). Google employees in California who have returned to the office on a voluntary basis are again wearing masks indoors. Goldman Sachs is considering whether to reinstitute testing for fully vaccinated employees in the company's New York City offices, according to a person familiar with the situation who spoke on condition of anonymity because nothing had been decided. And on Monday, [Apple told its work force](#) that it would push back its return-to-office date from September to October.

When companies began announcing tentative return-to-office plans this spring, there was a sense of optimism behind the messages. Covid cases were dwindling in the United States as the vaccine rollout picked up pace. Employers largely hoped their work forces would get shots on their own, motivated by raffle tickets, paid time off and other perks, if not by the consensus of the medical community.

In recent days, that tone has suddenly shifted. The Delta variant, a more contagious version of the coronavirus, is sweeping through the country. Less than half of Americans are [fully vaccinated](#), exacerbating the situation.

Nationally, the average of new coronavirus infections has surged 180 percent in 14 days, to more than 45,343 a day on Thursday, and deaths — a lagging number — are up 30 percent from two weeks ago, to nearly 252, [according to New York Times case counts](#). Vaccines are

still unavailable for children under 12, many of whom are preparing for an in-person return to school this fall.

America's business leaders, who hoped the vaccine rollout would get employees back to offices, are now being forced to decide whether to reverse reopening plans or institute vaccine mandates. George Etheredge for The New York Times

It all adds up to a difficult calculation for America's business leaders, who hoped the country would already be fully on a path to normalcy, with employees getting back to offices. Instead, individual companies are now being forced to make tough decisions that they had hoped could be avoided, such as whether to reverse reopening plans or institute vaccine mandates for employees. All the while, they continue to grapple with the unpredictable nature of the pandemic.

"It's emotionally draining on all of us, and it drives the top management teams crazy," said Bob Sutton, a psychology professor at Stanford University who studies leadership and organizations. He said some executives he had advised were "pulling their hair out" over what to do.

For employers wary of the legal ramifications and political backlash of mandating a vaccine, the tide has begun to turn, if ever so slightly.

"At the beginning, there were a lot of employers that were concerned about jumping in too soon and being the one out front — it is a divisive issue," said David Barron, a labor and employment lawyer at the law firm Cozen O'Connor. "The calculus starts to shift a little bit when you see another spike."

Mayor Bill de Blasio of New York on Friday encouraged private employers to require workers to get vaccinated. He also said the city might broaden the number of city workers required to get vaccinated or tested weekly.

Delays, More Mandates and Other Virus Surge Details: Office Return Plans - The New York Times

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Recent court decisions have upheld employers' rights to require vaccinations, including a [ruling](#) that said [Houston Methodist Hospital](#) could require health care workers to get shots. On Monday, a federal judge [ruled](#) that Indiana University could require students to get vaccinated as well.

At a vaccination center in New York. Vaccine mandates are still far from the dominant approach that executives are taking. Kevin Hagen for The New York Times

"The legal authority continues to line up on the side of employers being allowed to mandate vaccines if they choose to," said Douglas Brayley, an employment lawyer at the global law firm Ropes & Gray.

When Twitter reopened its San Francisco office this month at 50 percent capacity for those who wanted to come back, only vaccinated workers were allowed inside. In June, a civilian group that oversees the Los Angeles Police Department was examining the possibility of [requiring police officers to get shots](#). And numerous colleges around the country have required students and staff to be fully inoculated before they step foot on campus in the fall.

[The Coronavirus Outbreak >](#)

Latest Updates >

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- [The European Union's drug regulator authorizes the Moderna vaccine for children 12 and older.](#)
- [In Florida, some hospitals have more Covid patients than ever before.](#)

- U.S. businesses and municipalities weigh vaccine mandates as N.Y.C.'s mayor calls for companies to require shots.

"The recent news of Delta surging in some places is just adding to that determination to be as safe as we possibly can," said Tim Killeen, the president of the University of Illinois public school system, which instituted a vaccine requirement Wednesday.

Novant Heath, a North Carolina-based health care company with more than 35,000 employees, said Thursday it would make vaccinations mandatory for its workers by Sept. 15. The move came after efforts to overcome vaccine hesitancy through education and making shots easily accessible stagnated.

"Now that almost four billion doses of vaccine have been given around the world, and we see that it's safe and effective, we see that the Delta variant is obviously here, and we have it in our communities, and that almost all the patients being added to our hospitals are unvaccinated, the time was right to say, 'We've got to move forward with requiring vaccines of our team members,'" Dr. David Priest, the company's chief safety officer, said.

For others, high voluntary vaccination rates among employees have made requiring the shot simpler. Morgan Stanley, the investment banking firm, is requiring employees and guests at its New York offices to be fully vaccinated, according to a person familiar with the situation who spoke on condition of anonymity to discuss company protocols. By the time it imposed the mandate in June, 90 percent of its employees were vaccinated.

Vaccine mandates are still not the approach that most companies are taking. And the risk coronavirus poses to much of the population is far from what it was at the worst of the pandemic. New cases, hospitalizations and deaths remain at a fraction of their previous peaks, largely localized to areas with low vaccination rates. Vaccines remain effective against the worst outcomes of Covid-19, including from the Delta variant.

"The big question is, not so much, 'Can we keep workers safe in our buildings?' but 'Will workers feel comfortable enough coming back, even if good controls are in place?'" said Joseph Allen, an associate professor at the Harvard T.H. Chan School of Public Health who advises companies on Covid-19 strategies. "There's a renewed anxiety that maybe started to dissipate in the spring — but it's back."

When Twitter reopened its San Francisco office this month at 50 percent capacity for those who wanted to come back, only vaccinated workers were allowed inside. Cayce Clifford for The New York Times

That tension may make it more difficult to convince workers to return to the office. In California's Silicon Valley, tech companies largely embraced the new era of remote work during the pandemic. But not all have been eager to let their employees stay home for good.

In June, Apple's chief executive, Tim Cook, told employees that they would be required to return to the office at least three days a week, starting in September. About 1,800 employees sent Mr. Cook a letter calling for a more flexible approach.

He did not respond, but days later Apple posted an internal video in which company executives doubled down on bringing workers back to the office. In the video, Dr. Sumbul Desai, who helps run Apple's digital health division, encouraged workers to get vaccinated but stopped short of saying they would be required, according to a transcript viewed by The Times.

The video didn't sit well with some employees.

"OK, you want me to put my life on the line to come back to the office, which will also decrease my productivity, and you're not giving me any logic on why I actually need to do that?" said Ashley Gjovik, a senior engineering program manager.

When the company delayed its return-to-office date on Monday, a group of employees drafted a new letter, proposing a one-year pilot program in which people could work from home full-time if they chose to. The letter said that an informal survey of more than 1,000 Apple employees found that roughly two-thirds would question their future at the company if they were required to return to the office.

In Los Angeles, Endeavor, the parent company of the William Morris Endeavor talent agency, reopened its Beverly Hills headquarters this month. But it decided to shut down again last week when the [county reimposed its indoor mask mandate](#) in the face of surging case counts. An Endeavor spokesman said that the company decided enforcement would be too difficult, and would hinder group meetings.

The employment website Indeed had been targeting Sept. 7 as the date when it would start bringing workers back on a hybrid basis. Now it has begun to reconsider those plans, the company's senior vice president of human resources, Paul Wolfe, said, "because of the Delta variant."

Some companies said the recent spike in cases had not yet affected their return-to-office planning. Facebook still intends to reopen at 50 percent capacity by early September. IBM plans to open its U.S. offices in early September, with fully vaccinated employees free to go without a mask, and Royal Dutch Shell, the gas company, has been gradually lifting restrictions in its Houston offices, prompting more of its workers to return.

Hewlett-Packard Enterprise began allowing employees to return to its offices Monday, bolstered by a survey of its California employees that found 94 percent were fully vaccinated.

"That gives us an added layer of comfort," a company spokesman, Adam Bauer, said.

Wells Fargo told its employees on July 16 it would begin to bring employees currently working remotely back to the office on Sept. 7. But unlike banks that earlier called workers back with declarative language ringing in a new stage of the pandemic, the memo, sent by the bank's chief operating officer, Scott Powell, had a notable degree of caution.

"The timing communicated in this message is dependent on our assumption that the pandemic continues to remain stable or further improves," Mr. Powell wrote. "We continue to actively monitor the situation and any developments, including new variants."

Jack Nicas, Brooks Barnes, Clifford Krauss and Sarah Kessler contributed reporting.

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The Wayback Machine - <https://web.archive.org/web/20210724043253/https://www.nytimes.com/2021/07/24/todayspaper/quotation-of-the-day-virus-surge-complicates-return-to-office-plans.html>

The New York Times

<https://www.nytimes.com/2021/07/24/todayspaper/quotation-of-the-day-virus-surge-complicates-return-to-office-plans.html>

Quotation of the Day: Virus Surge Complicates Return-to-Office Plans

July 24, 2021

“OK, you want me to put my life on the line to come back to the office, which will also decrease my productivity, and you’re not giving me any logic on why I actually need to do that?”

ASHLEY GJOVIK, a senior engineering program manager at Apple, who was one of many employees to push back against an earlier plan to return to the office in September. Many companies are reconsidering their return dates after objections from employees and concerns about the surging Delta variant.

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The Verge - August 4 2021

APPLE \ POLICY \ TECH

Apple places female engineering program manager on administrative leave after tweeting about sexism in the office

Ashley Gjøvik says the employee relations team implied she should stay off Slack pending an ongoing investigation

By [Zoe Schiffer](#) | [@ZoeSchiffer](#) | Aug 4, 2021, 5:18pm EDT

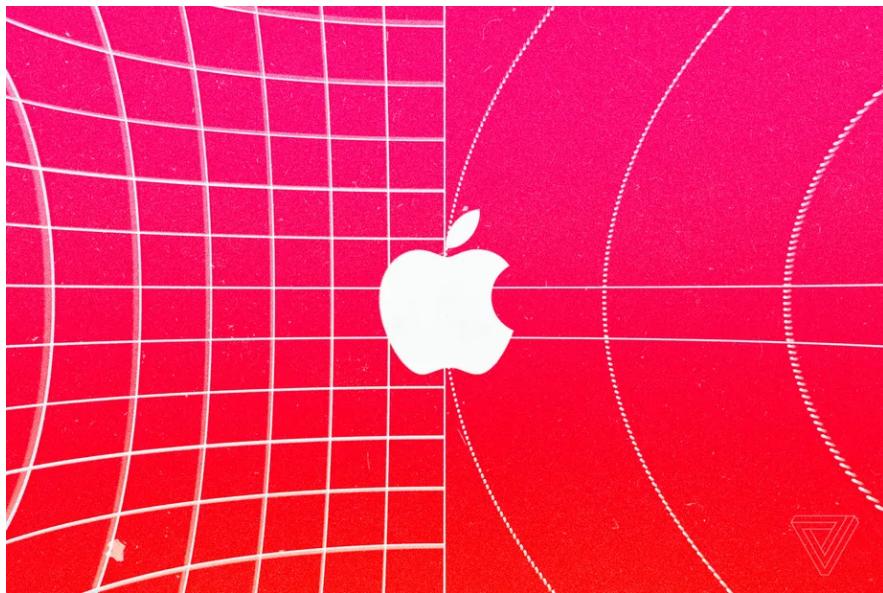


Illustration by Alex Castro / The Verge

Apple has placed senior engineering program manager Ashley Gjøvik on indefinite administrative leave after she tweeted about sexism in the office. The company is currently investigating claims Gjøvik made about a hostile work environment.

"For months, I have been raising concerns with Apple employee relations about years of experiences with sexism, a hostile work environment, sexual harassment, unsafe working conditions, and retaliation," Gjøvik says in an interview with *The Verge*. "I asked them to mitigate the hostile work environment while they investigate, and they initially offered me EAP therapy and medical leave. I told them that made no sense, and said they should talk to my leadership and set up oversight and boundaries. I added that if there was no other option they could give me paid administrative leave. They apparently made no effort to set boundaries and instead said they were placing me on administrative leave and implied they did not want me on Slack where I had been vocal about my concerns with certain policies at the company. They also implied they didn't want me to meet one-on-one with other women at the company about their concerns with Apple policies, which I had been doing."

This afternoon, Gjøvik set an out of office message informing colleagues that the employee relations team had placed her on indefinite paid leave.

So, following raising concerns to [#Apple](#) about [#sexism](#), [#hostileworkenvironment](#), & [#unsafeworkconditions](#), I'm now on indefinite paid administrative leave per [#Apple](#) employee relations, while they investigate my concerns. This seems to include me not using Apple's internal Slack.

— Ashley M. Gjøvik (@ashleygjovik) [August 4, 2021](#)

This is the second time Apple has investigated Gjøvik's claims about sex discrimination at the company. The employee relations team closed an earlier investigation, allegedly finding that nothing was wrong, prompting Gjøvik to tweet screenshots with what she says is just a small portion of what she experienced:

Wanted to share: [#Apple](#) employee relations confirmed this [#tonepolicing](#) is totally ok feedback for me to get from my [#bigtech #male](#) leaders & not [#sexist](#).

As this investigation rolls on, I've decided to start Tweeting the stuff they say is "ok." I mean, they did say it was ok? [pic.twitter.com/ElmLTjRTBI](#)

— Ashley M. Gjøvik (@ashleygjovik) [August 3, 2021](#)

In today's [#Apple](#) employee relations said its fine update, here's the heartfelt email I sent my [#bigtech](#) male leadership in 2018 during the Kavanaugh hearings. I asked for support of women & to condemn [#sexism](#) & [#sexualassault](#). The reply: a text saying "FWIW, RBG thinks he's ok."
pic.twitter.com/0GTthZNEgH

— Ashley M. Gjøvik (@ashleygjovik) [August 4, 2021](#)

This happened to me at [#Apple](#) too: they offered EAP and suggested medical leave after I spoke up about [#sexism](#), [#discrimination](#), and a hostile work environment. They also suggested requesting [#ADA](#) [#disability](#) accommodations after I raised concerns about unsafe [#workconditions](#).

<https://t.co/LW0Ueq1Leb>

— Ashley M. Gjøvik (@ashleygjovik) [July 30, 2021](#)

Apple is currently contending with [a wave of employee activism](#), including multiple women tweeting about their dissatisfaction with the company culture. In May, employees wrote a letter demanding an [investigation into the hiring of Antonio García Martínez](#), who'd written a book about Silicon Valley with descriptions of women many people found offensive. Hours later, [García Martínez was fired](#).

Apple did not immediately respond to a request for comment from *The Verge*.

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The Wayback Machine - <https://web.archive.org/web/20210806184947/https://nypost.com/2021/08/06/apple-exec-says-she-was-placed-on-leave-aft...>

TECH

Apple exec says she was placed on leave after raising sexism concerns

By Brie Stimson, Fox News

August 6, 2021 | 2:38pm | Upd:



The employee said the company had previously tried to "quickly brush ...off" her complaints.

Alamy Stock Photo

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An Apple senior engineering program manager said she was placed on indefinite administrative leave Wednesday after raising concerns about sexism, a hostile work environment and unsafe working conditions.

Ashley M. Gjøvik [told The Verge](#) she asked Apple to mitigate the hostile work environment while they investigate “the claims she had been bringing up for months and they offered her therapy through the Employee Assistance Program or medical leave.

“I told them that made no sense and said they should talk to my leadership and set up oversight and boundaries,” she said. “I added that there was no other option they could give me paid administrative leave. They apparently made no effort to set boundaries and instead said they were placing me on administrative leave and implied they did not want me on Slack where I had been vocal about my concerns with certain policies at the company.”

So, following raising concerns to #Apple about #sexism, #hostileworkenvironment, & #unsaferworkconditions, I'm now on indefinite paid administrative leave per #Apple employee relations, while they investigate my concerns. This seems to include me not using Apple's internal Slack.

— Ashley M. Gjøvik (@ashleygjovik) [August 4, 2021](#)

She added the company implied she shouldn’t meet one-on-one with other female Apple employees to discuss their concerns about similar issues.

Late last month, Gjøvik retweeted a New York Times story in which several women who worked at Google said they had been offered EAP therapy or administrative leave after they spoke up about alleged workplace misconduct instead of launching an investigation into the allegations or dragging it on for months.

“This happened to me at #Apple too,” Gjøvik tweeted along with the article.

This happened to me at #Apple too: they offered EAP and suggested medical leave after I spoke up about #sexism, #discrimination, and a hostile work environment. They also suggested requesting #ADA #disability accommodations after I raised concerns about unsafe #workconditions. <https://t.co/LW0Ueq1Leb>

— Ashley M. Gjøvik (@ashleygjovik) [July 30, 2021](#)

She also tweeted Wednesday that she meant “physically unsafe; #dangerous chemicals; #OSHA. You’ll hear much more about this in a bit.”

Gjøvik tweeted screenshots of the alleged sexism she experienced at Apple, which included being told she shouldn’t go “up an octave” at the end of her statements because she would sound less authoritative.

When I say “unsafe #workconditions,” I mean physically unsafe; #dangerous chemicals; #OSHA.

You’ll hear much more about this in a bit.

— Ashley M. Gjøvik (@ashleygjovik) [August 4, 2021](#)

And after sending an email asking for the company to give support to women and speak out against sexual misconduct during the Brett Kavanaugh hearings, she said she was sent a link to an article that said Ruth Bader Ginsburg had defended him as “very decent.”

She added that the company had previously tried to “quickly brush ...off” her complaints and “prevented me from raising more concerns” during a previous investigation that was later closed with the company concluding nothing inappropriate had occurred, according to The Verge.

Wanted to share: #Apple employee relations confirmed this #tonepolicing is totally ok feedback for me to get from my #bigtech #male leaders & not #sexist.

As this investigation rolls on, I've decided to start Tweeting the stuff they say is "ok." I mean, they did say it was ok? pic.twitter.com/ElmLTjRTB

— Ashley M. Gjøvik (@ashleygjovik) August 3, 2021

She said for this investigation she gave the company 558 pieces of evidence to review.

Apple in a statement to Fox News said, “We are and have always been deeply committed to creating and maintaining a positive and inclusive workplace. We take all concerns seriously and we thoroughly investigate whenever a concern is raised and, out of respect for the privacy of any individuals involved, we do not discuss specific employee matters.”

In today's #Apple employee relations said its fine update, here's the heartfelt email I sent my #bigtech male leadership in 2018 during the Kavanaugh hearings. I asked for support of women & to condemn #sexism & #sexualassault. The reply: a text saying "FWIW, RBG thinks he's ok." pic.twitter.com/0GTthZNEgH

— Ashley M. Gjøvik (@ashleygjovik) August 4, 2021

Gjøvik didn't immediately respond to Fox News' late-night requests for comment.

FILED UNDER APPLE, DISCRIMINATION, SEXISM, SEXUAL DISCRIMINATION, SOCIAL MEDIA, 8/6/21

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Leaf&Core - Aug 7 2021

AUGUST 7, 2021

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POSTED ON AUGUST 7, 2021

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An Apple Manager Complained About Sexism. Apple Put Her on Leave

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Apple's a large tech company. It seemed strange to me that stories never broke about its extreme and sexist culture. After all, most large companies that accumulate a majority male employee base eventually, without training, drop into sexism. Apple has been struggling to increase its number of female employees for years, with little success. Turns out Apple's just a bit more secretive than most companies, something product leakers have known for some time.

Ashley Gjøvik, an engineering manager at Apple, raised concerns about sexist behavior she noticed. The complaints included "years of experiences with sexism, a hostile work environment, sexual harassment, unsafe working conditions, and retaliation," according to Gjøvik. Instead of tackling the problems at Apple, she says the company offered her therapy and medical leave, even "disability accommodations." She, obviously, pushed back, suggesting what sounds like gaslighting therapy to convince her to be fine with the sexism she witnessed—rather than eliminating it—made no sense.

After tweeting about her problems within Apple, they put her on administrative leave.

It seems Apple's using the same tactics as Google and others to silence the complaints of women.

Blizzard President Steps Down After California Sexism Lawsuit
 (<https://web.archive.org/web/20210807210046/https://leafandcore.com/2021/08/03/blizzard-president-steps-down-after-california-sexism-lawsuit/>)

Roller Rink Kicks Out Girl Over Mistaken Facial Recognition
 (<https://web.archive.org/web/20210807210046/https://leafandcore.com/2021/08/03/roller-rink-kicks-out-girl-over-mistaken-facial-recognition/>)

Dell Won't Ship Powerful Computers to States with Energy Requirements Who's At Fault?
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Unsafe Conditions (#Unsafe_Conditions)

Apple's Response (#Apples_Response)

Sexism at Apple

“

Y'all, I'm a senior engineering program manager with decades of professional experience & it was even in my mid-year review one year...

Someone needs to give me a Purple Heart.

pic.twitter.com/UCRqyTUtSR

(<https://web.archive.org/web/20210807210046/https://t.co/UCRqyTUtSR>)

— Ashley M. Gjøvik (@ashleygjovik) August 3, 2021
(https://web.archive.org/web/20210807210046/https://twitter.com/ashleygjovik/status/1422381884324028425?ref_src=twsrc%5Etfw)

Women and men talk differently. Women, for example, use pitch to indicate emphasis. A woman will raise or lower the pitch of her voice more frequently than men, who will speak in a more monotonous voice. Men will use volume to indicate emphasis in some of the situations where women may use a pitch change. This isn't true of every man and every woman, but, in general, these are common voice pattern differences between these two genders.

So when a woman receives a bad performance review because of the way she talks, specifically because she doesn't talk like a man, it's sexism. We call it "tone policing," and it was built into a review for Gjøvik while at Apple. She had screenshots both of a conversation that brought it up as well as a performance review, stating how she could improve and, once she deepened her inflections, that she had "actively addressed" the employee's concerns about her voice.

Kavanaugh Hearings and Trauma

//

In today's [Apple](https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/Apple?src=hash&ref_src=twsrc%5Etfw) employee relations said its fine update, here's the heartfelt email I sent my [#bigtech](https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/Apple?src=hash&ref_src=twsrc%5Etfw) (https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/Apple?src=hash&ref_src=twsrc%5Etfw) male leadership in 2018 during the Kavanaugh hearings. I asked for support of women & to condemn [#sexism](https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/sexism?src=hash&ref_src=twsrc%5Etfw) (https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/sexism?src=hash&ref_src=twsrc%5Etfw) & [#sexualassault](https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/sexualassault?src=hash&ref_src=twsrc%5Etfw) (https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/sexualassault?src=hash&ref_src=twsrc%5Etfw) ([src=hash&ref_src=twsrc%5Etfw](https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/sexualassault?src=hash&ref_src=twsrc%5Etfw)). The reply: a text saying "FWIW, RBG thinks he's ok." pic.twitter.com/oGTthZNEgH (<https://web.archive.org/web/20210807210046/https://t.co/oGTthZNEgH>)

— Ashley M. Gjøvik (@ashleygjovik) [August 4, 2021](https://web.archive.org/web/20210807210046/https://twitter.com/ashleygjovik/status/1422953562724737024?ref_src=twsrc%5Etfw) (https://web.archive.org/web/20210807210046/https://twitter.com/ashleygjovik/status/1422953562724737024?ref_src=twsrc%5Etfw)

Gjøvik asked if Apple CEO Tim Cook would address the troubling concerns revolving around accused rapist and now U.S. Supreme Court Justice Brett Kavanaugh. The accusations were so hard to listen to, many women had conversations with each other about them. I spoke to many other survivors of sexual assault during this time. It was a hard time for many of us, who struggled to work after hearing the news. For some, the testimony alone triggered PTSD responses. In others, devastation and empathy. In response, an Apple employee condescendingly texted Gjøvik that Ruth Bader Ginsburg once called him "very decent and very smart." This, Apple also reportedly ignored.

In fact, according to Gjøvik, her complaints with Apple first started in 2018. Apple closed her case then, saying they found no wrongdoing. She has since provided in total 558 pieces of evidence

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to support her claims of sexism at Apple, only sharing a few with the public that do not reveal anything about Apple's confidential processes, products, or features.

Instead of investigating these, or finding those who clearly committed, at the very least, unconscious acts of sexism, Apple offered Gjøvik medical leave and counseling while conducting another investigation. They then put her on administrative leave.

Not Apple's First Sexism Issue This Year

This isn't even the first time this year that Apple has been in the news for sexism. Earlier this year, Apple hired former Facebook advertising manager Antonio García Martínez. Martínez had written a book, "Chaos Monkeys," which turned out to be controversial. Apple employees signed a petition questioning Apple's reasoning for hiring someone who's book contained, what they deemed as, racist and sexist remarks, like referring to Bay Area women as "soft and weak, cosseted and naive despite their claims of worldliness, and generally full of shit." This would have come up during the hiring process, and Apple seemingly allowed it. It's hard to believe they would have missed something so large.

Apple fired Martínez shortly thereafter.

Unsafe Conditions

Gjøvik also complained about unsafe working conditions, along with complaints of Apple's sexism. She hasn't fully clarified outside of pointing out that she was referring to physical safety, OSHA violations. These are very serious accusations that OSHA will likely have to investigate.

When I say unsafe #workconditions (https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/workconditions?src=hash&ref_src=twsrc%5Etfw), "I mean physically unsafe; #dangerous (https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/dangerous?src=hash&ref_src=twsrc%5Etfw) chemicals; #OSHA (https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/OSHA?src=hash&ref_src=twsrc%5Etfw).

You'll hear much more about this in a bit.

— Ashley M. Gjøvik (@ashleygjovik) August 4, 2021 (https://web.archive.org/web/20210807210046/https://twitter.com/ashleygjovik/status/1423049593596481540?ref_src=twsrc%5Etfw)

Observers have criticized conditions at Apple's factories and repair centers before, going so far as to refer to Apple's repair centers as "sweat shops" (<https://web.archive.org/web/20210807210046/https://appleinsider.com/articles/21/07/27/apple-contractor-repair-depot-described-as-a-sweatshop-by-workers>).

Many of the materials inside modern electronics are, at one point, either toxic or produced by releasing toxic fumes. In the production of Samsung semiconductors, for example, workers exposed to chemicals suffered cancers and their children were born with birth defects. The process around creating technology is no joke. Without proper safety procedures, the consequences can be long lasting or even deadly. That's why it's especially worrying to hear that Gjøvik's complain includes "dangerous chemicals."

Gjøvik also previously criticized Apple's new plan, requiring employees to return to the offices this fall.

“OK, you want me to put my life on the line to come back to the office, which will also decrease my productivity, and you’re not giving me any logic on why I actually need to do that?”

– Ashley Gjøvik, in a NY Times article (<https://web.archive.org/web/20210807210046/https://www.nytimes.com/2021/07/23/business/return-to-office-vaccine-mandates-delta-variant.html>)

Apple’s return to the office plan has been unpopular. Not only are parts of California suffering large COVID-19 outbreaks, lead by the Delta variant, but many employees simply don’t want to return to the office. In-person work is easier to manage for security purposes, and can increase innovation and collaboration across teams.

However, it also involves long commutes, distractions from coworkers, and forced proximity to Apple’s headquarters, which means exceedingly high costs of living. It can also mean more sexual harassment. While Apple was only asking for workers to return on a 3 day per week basis, many workers complained that the company offered them no choice on number of days in the office or times. Some, for medical or productivity reasons, haven’t wanted to return at all. If conditions at the office are unsafe, either because of chemicals or improper COVID-19 restrictions (or lack thereof), then Gjøvik’s complaints are even more dire.

Apple’s Response

“[Apple] apparently made no effort to set boundaries and instead said they were placing me on administrative leave and implied they did not want me on Slack where I had been vocal about my concerns with certain policies at the company. They also implied they didn’t want me to meet one-on-one with other women at the company about their concerns with Apple policies, which I had been doing.”

– Ashley Gjøvik

Apple hasn’t officially responded to any requests for comment. However, the company’s responses to Gjøvik have been less than satisfactory. When an employee comes in with very real proof of

sexism at your company, the response should not be to suggest women are the problem. Gjøvik has screen shots to back her story up, proving that colleagues have criticized her for what amounts to “talking like a woman.” It’s that very sexism that hurts women in interviews and performance reviews for promotions. That alone is the reason why we even teach people about microaggressions and preconceived notions that base an idea of what is considered “professional” on an overwhelming white and male model. Instead of dealing with these issues, Apple offered therapy for Gjøvik and told her to take medical leave. That’s completely unacceptable.

“

*So, following raising concerns to #Apple
(https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/Apple?src=hash&ref_src=twsrc%5Etfw) about #sexism
(https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/sexism?src=hash&ref_src=twsrc%5Etfw),
#hostileworkenvironment
(https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/hostileworkenvironment?src=hash&ref_src=twsrc%5Etfw), &
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(https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/unsafeworkconditions?src=hash&ref_src=twsrc%5Etfw), I'm now on
indefinite paid administrative leave per #Apple
(https://web.archive.org/web/20210807210046/https://twitter.com/hashtag/Apple?src=hash&ref_src=twsrc%5Etfw) employee relations,
while they investigate my concerns. This seems to
include me not using Apple's internal Slack.*

— Ashley M. Gjøvik (@ashleygjovik) August 4, 2021
(https://web.archive.org/web/20210807210046/https://twitter.com/ashleygjovik/status/1423014977661591552?ref_src=twsrc%5Etfw)

Apple may not have “cube crawls

(<https://web.archive.org/web/20210807210046/https://leafandco.re.com/2021/07/26/state-of-california-sues-activision-blizzard-for-culture-of-sexual-harassment-gender-bias-and-a-suicide/>),” but

they certainly are working to keep women from rising through the ranks. Perhaps that's why women have stagnated at Apple (<https://web.archive.org/web/20210807210046/https://www.apple.com/diversity/>), with few in engineering positions and even fewer in management. Less than a quarter of Apple's engineers are women. 24%. That's up from 20% in 2014, a slight but insignificant increase. Women make up only 31% of Apple's leadership, up from just 28% in 2014. Again, that's insignificant. Only 6% of Apple's "tech" talent is Black... the same as 2014. Apple's progress on diversity has lagged behind anything we should consider acceptable.

Women make up half the population and half of the workforce. Maybe Apple wouldn't struggle to remove sexist and racist bias in their hiring process if they didn't potentially foster it internally.

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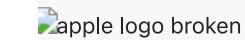
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An Apple engineer on leave after publicly alleging sexism says co-workers kept a scoreboard to make her quit

Martin Coulter Aug 17, 2021, 8:51 AM





Ashley Gjøvik claimed she was offered counseling after speaking up about workplace misconduct. Thomas Trutschel/Photothek via Getty Images

- **Apple faces a big new headache: Unhappy workers are speaking up publicly on Twitter.**
- **Senior engineering manager Ashley M. Gjøvik tweeted multiple allegations of bullying and harassment.**
- **The Verge reported and Gjøvik herself says she is currently on leave from Apple.**

10 Things in Tech: Get the latest tech trends & innovations

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An Apple employee who was placed on leave in early August after tweeting about sexism at the company has shared further allegations of bullying and mismanagement.

Engineer Ashley Gjøvik has added to earlier public claims of "sexism, a hostile work environment, sexual harassment, unsafe working conditions, and retaliation."

Gjøvik's comments coincide with a rise in Apple's employees speaking out publicly about their dissatisfaction with working conditions at the notoriously secretive tech firm.

On Monday night, Gjøvik tweeted she had only shared "~5%" of the evidence of misconduct she had submitted to Apple's employee relations department, including allegations of assault, sexual discrimination, and retaliation.

—Ashley M. Gjøvik (@ashleygjovik) August 16, 2021

In a series of tweets, she claimed senior employees kept a whiteboard tally of votes on how they could make her "life a living hell", that she was regularly excluded from important emails, and that some were known to peer-pressure other employees into drinking alcohol during working hours.

Gjøvik also claimed an unnamed senior employee yelled at her in public and private, called her an "idiot", and "locked me in a conf room alone & screamed at me while I cried, & kept threatening to smack me."

Gjøvik publicly shared screenshots and internal messages alongside some of her claims.

Insider has not independently verified Gjøvik's statements and has approached her for comment.

Gjøvik's LinkedIn states that she has been working at Apple for more than six years.

She first began tweeting allegations of sexism against colleagues at Apple in late July and early August.

In these initial tweets, she claimed she was offered counseling after speaking up about workplace misconduct, and shared a series of private messages from male coworkers.

In one apparent exchange, a male coworker commented on a presentation given by Gjøvik: "I didn't hear you go up an octave at the end of your statements," adding: "came across as much more authoritative."

In another, shortly after Gjøvik says she sent a lengthy email asking if Apple's leadership would issue a statement on sexual assault following allegations of sexual misconduct against then-Supreme Court nominee Brett Kavanaugh, one coworker responded by texting her a news article in which Ruth Bader Ginsburg defended him, adding "FWIW".

[The Verge](#) reported that Gjøvik was placed on leave after her tweets on August 4.

Another Apple engineer, Kiran Kumar, [stated on Twitter](#) on August 17 that Gjøvik was listed internally at Apple as being on "indefinite paid administrative leave via employee relations."

Insider approached Apple for comment.

Are you a current or former Apple employee with more to share? You can contact this reporter securely using the encrypted messaging app Signal (+447801985586) or email (mcoulter@businessinsider.com). Reach out using a nonwork device.

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The Verge - August 30 2021

Apple Cares About Privacy Unless You Work at Apple



Illustration by Alex Castro / The Verge

APPLE

APPLE CARES ABOUT PRIVACY, UNLESS YOU WORK AT APPLE

The company has taken a strong stance on safeguarding its customers' data — but some employees don't believe it protects theirs

By [Zoe Schiffer](#) [@ZoeSchiffer](#) Aug 30, 2021, 12:33pm EDT

Jacob Preston was sitting down with his manager during his first week at Apple when he was told, with little fanfare, that he needed to link his personal Apple ID and work account.

The request struck him as odd. Like anyone who owns an Apple product, Preston's Apple ID was intimately tied to his personal data — it connected his devices to the company's various services, including his iCloud backups. How could he be sure his personal messages and documents wouldn't land on his work laptop? Still, he was too giddy about his new job as a firmware engineer to care. He went ahead and linked the accounts.

Three years later, when Preston handed in his resignation, the choice came back to haunt him. His manager told him to return his work laptop, and — per Apple protocol — said he shouldn't wipe the computer's hard drive. His initial worry had come to pass: his personal

messages were on this work laptop, as were private documents concerning his taxes and a recent home loan. Preston pushed back, saying some of the files contained highly personal information and there was no reasonable way to make sure they were all removed from the laptop without wiping it completely.

He was told the policy wasn't negotiable.

Preston's story is part of a growing tension inside Apple, where some employees say the company isn't doing enough to protect their personal privacy and, at times, actively seeks to invade it for security reasons. Employees have been asked to install software builds on their phones to test out new features prior to launch — only to find the builds expose their personal messages. Others have found that when testing new products like Apple's Face ID, images are recorded every time they open their phones. "If they did this to a customer, people would lose their goddamn minds," says Ashley Gjøvik, a senior engineering program manager.

Apple employees also can't use their work email addresses to sign up for iCloud accounts, so many use their personal accounts.

The blurring of personal and work accounts has resulted in some unusual situations, including Gjøvik allegedly being forced to hand compromising photos of herself to Apple lawyers when her team became involved in an unrelated legal dispute.

Underpinning all of this is a stringent employment agreement that gives Apple the right to conduct extensive employee surveillance, including "physical, video, or electronic surveillance" as well as the ability to "search your workspace such as file cabinets, desks, and offices (even if locked), review phone records, or search any non-Apple property (such as backpacks, purses) on company premises."

Apple also tells employees that they should have "no expectation of privacy when using *your or someone else's personal devices for Apple business*, when using Apple systems or networks, or when on Apple premises" (emphasis added).

Many employees have a choice between getting an Apple-owned phone or having the company pay for their phone plan. But one source tells *The Verge* that trying to maintain two phones can become impractical. In software engineering, certain employees are expected to download a "live-on" program that puts out daily builds with bug fixes. "You can't have a successful live-on program without people treating these devices exactly the same as a personal phone," the source says. "So a work device or a work account just won't cut it."

**"IF THEY DID THIS TO A CUSTOMER,
PEOPLE WOULD LOSE THEIR
GODDAMN MINDS."**

"YOU MUST LINK YOUR PERSONAL APPLE ID WITH YOUR APPLECONNECT WORK ACCOUNT"

None of these policies are unique. Tech companies almost always have rules in place to search employees' corporate devices, including personal devices used for work. It's also common practice for tech companies to ask employees to test new software, which could potentially expose personal information. But Apple sets itself apart from other tech giants through its commitment to consumer privacy. As [Tim Cook said at the CPDP Computers, Privacy and Data Protection conference in January 2021](#), businesses built on buying and selling user data, without the knowledge or consent of consumers, "[degrade] our fundamental right to privacy first, and our social fabric by consequence." The lack of employee privacy has made the perceived hypocrisy particularly irksome to some workers.

Now, as employees begin to push back against a variety of Apple norms and rules, these policies are coming under the spotlight, raising the question of whether the company has done enough to safeguard personal employee data. It might seem like a company obsessed with secrecy would be sympathetic to its employees' wishes to have confidential information of their own. But at Apple, secrecy requires the opposite: extensive knowledge, and control, over its workforce.

This is how it starts: a new Apple employee is told during onboarding that collaborating with their colleagues will require them to make extensive use of iCloud storage, and their manager offers a two terabyte upgrade. This will link their personal Apple ID to their work account — in fact, the instructions for accessing this upgrade explicitly say "you must link your personal Apple ID with your AppleConnect work account." The connection will give them access to collaborative apps like Pages and Numbers that they might need to do their jobs. (Apple employees who do not have a business need to collaborate do not go through this process.)

Employees *could* pause during onboarding and say they want to create a new Apple ID specifically for work or use a different phone. But most do not — it seems a little paranoid, and the Apple instructions say to go ahead and use your personal account. What's more, most Apple devices don't support using multiple Apple IDs. To switch between iCloud accounts on an iPhone, you have to completely sign out of one ID and into another — a clunky, disruptive process. It is far easier culturally and technically to simply link personal and work accounts, which adds a new Apple Work folder to the employee's iCloud account.

In theory, this Apple Work folder is where all of the collaborative documents for employees are supposed to live in order

"I GET MAD THAT I HAVE TO USE MY PERSONAL PHONE TO TEXT MY

Apple considers privacy unless you work at Apple - The Verge
to keep personal and work files separate. **BOSS."**

In practice, the owner of a document

often forgets to store files in the work folder, and documents quickly become intermingled. In fact, when Apple employees create a document in, say, Pages, the app automatically enters the personal email address used for their Apple ID. "I asked my manager about it and it's just sort of an issue everyone deals with," Preston says.

Employees can choose to not sync certain folders, like their photo libraries. But others, like messages, can be trickier. Apple adopted Slack in 2019, but some teams still use iMessage as a primary way to communicate, which makes opting out of a message sync nearly impossible.

Over the past few weeks, employees have been discussing the difficulty of setting up different Apple IDs to keep work and personal files separate, noting that while it's possible, there are significant technical hurdles. "I don't understand why they didn't create an Apple ID and iCloud account from our work email address during the onboarding process," one employee said on Slack. "I get mad that I have to use my personal phone to text my boss," said another.

Concerns about data privacy are not ubiquitous inside Apple. Many employees who spoke to *The Verge* said they were aware the company gave itself extensive rights to search their data, but — for various reasons — weren't overly worried about the fallout.

"When I joined Apple, I personally expected it to be pretty invasive and took some serious steps to separate my work and personal life," one source says.

For other employees, however, the mixing of personal and work data has already had real consequences. In 2018, the engineering team Ashley Gjøvik worked on was involved in a lawsuit. The case had nothing to do with Gjøvik personally, but because she'd worked on a project related to the litigation, Apple lawyers needed to collect documents from her phone and work computer.

"ALL DATA THAT HAS YOUR FACE IN IT IS GOOD DATA."

used the same one for work and personal and, as a result, had private messages on her work device.

Gjøvik asked the lawyers to confirm that they wouldn't need to access her personal messages. She says her team discouraged the use of two phones; she

A member of the legal team responded that while the lawyers did not need to access Gjøvik's photos, they did not want her to delete any messages. During an in-person meeting, Gjøvik says she told the lawyers the messages included nude photos she'd sent to a man she was dating — a sushi chef who lived in Hawaii. Surely, those weren't relevant to the lawsuit. Could she delete them? She says the lawyers told her no.

In 2017, Apple rolled out an app called Gobbler that would allow employees to test Face ID before it became available to customers. The process was routine — Apple often launched new features or apps on employees' phones, then collected data on how the technology was used to make sure it was ready for launch.

Gobbler was unique in that it was designed to test face unlock for iPhones and iPads. This meant that every time an employee picked up their phone, the device recorded a short video — hopefully of their face. They could then file "problem reports" on Radar, Apple's bug tracking system, and include the videos if they found a glitch in the system. "All data that has your face in it is good data," said an internal email about the project. After rumors of criticism, Apple eventually changed the codename to "Glimmer."

Unlike other Apple features, Glimmer wasn't automatically installed on employee phones. It required an informed consent form so employees would know what they were getting into. Still, for some people on engineering teams, participation was encouraged — even expected, according to two staff members. Once it was installed, some data that didn't contain personally identifiable information would automatically upload to Radar, unless employees turned off this setting.

Apple was careful to instruct employees not to upload anything sensitive, confidential, or private. But it didn't tell people what was happening with the hundreds of images they didn't upload in Radar reports.

The reports themselves were also a cause for concern. When employees file Radar tickets, they include detailed information about the problems they are seeing. In 2019, Gjøvik filed a ticket about Apple's photo search capabilities. "If I search for 'infant' in my photo library, it returns a selfie I took of myself in bed after laparoscopic surgery to treat my endometriosis," she wrote, including four images in the ticket. The default sharing settings for the ticket included all of software engineering.

Radar tickets also are not removable. Even when the tickets are closed, they remain searchable. In training, employees say they are told: "Radar is forever."

"THEY'RE THE ONE TECH COMPANY THAT TAKES PRIVACY SERIOUSLY."

What's more, when employees file Radar tickets, they are often asked to include diagnostic files, internally called "sysdiagnose" to give Apple more information about the problem. If they are filing a bug about iMessage, they might be asked to install a sysdiagnose profile that exposes their iMessages to the team tasked with fixing the issue. For employees using a live-on device, default settings can mean that, as they are filing a Radar ticket, a sysdiagnose profile is being automatically created in the background, sending data to Apple without the employee realizing it.

When sysdiagnose profiles are not included, employees have been known to post memes calling out the omission.

 jøvik is currently on administrative leave from Apple due to an ongoing investigation into claims she made about harassment and a hostile work environment. If she leaves the company, she'll likely face the same conundrum as Jacob Preston, related to the mixing of her personal and work files.

Employees likely wouldn't care too much about this were it not for another Apple rule that bars them from wiping their devices when they leave the company. If they do, they'll be in direct violation of their employment agreement, leaving them vulnerable to legal action.

After Preston gave notice, he received a checklist from his manager that explicitly said: "Do **not** wipe or factory reset any Apple owned units (such as laptops, Mac, ipads, and iPhones)."

"Before joining Apple I had a lot of respect for the company," Preston says. "They're the one tech company that takes privacy seriously. But then they go and have these policies that are hypocritical and go against their stated values. It's sort of hard to reconcile. It's like now that I'm leaving, my privacy isn't a concern anymore."

Apple did not respond to a request for comment from *The Verge*. ■

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Business Human Rights - August 30 2021

Apple Cares About Privacy Unless You Work at Apple

Article

30 Aug 2021 Zoe Schiffer, The Verge

Apple employees raise concerns company does not protect and at times invades their personal privacy

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"Apple cares about privacy, unless you work at Apple", 30 August 2021

... [There's] a growing tension inside Apple, where some employees say the company isn't doing enough to protect their personal privacy and, at times, actively seeks to invade it for security reasons. Employees have been asked to install software builds on their phones to test out new features prior to launch — only to find the builds expose their personal messages. Others have found that when testing new products like Apple's Face ID, images are recorded every time they open their phones. "If they did this to a customer, people would lose their goddamn minds," says Ashley Gjøvik, a senior engineering program manager.

Apple employees also can't use their work email addresses to sign up for iCloud accounts, so many use their personal accounts.

... Underpinning all of this is a stringent employment agreement that gives Apple the right to conduct extensive employee surveillance, including "physical, video, or electronic surveillance" as well as the ability to "search your workspace such as file cabinets, desks, and offices (even if locked), review phone records, or search any non-Apple property (such as backpacks, purses) on company premises."

Apple also tells employees that they should have "no expectation of privacy when using your or someone else's personal devices for Apple business, when using Apple systems or networks, or when on Apple premises"...

Apple did not respond to a request for comment from The Verge.

Timeline

The Labor Department is investigating Apple's treatment of employees →

13 Dec 2021 Article

Apple fires #AppleToo leader as part of leak probe. She says it's retaliation



15 Oct 2021 Article

Apple fired a leader of the #AppleToo movement who spoke out against workplace mistreatment. The employee says her firing was in retaliation for her leadership.

Hundreds of Apple employees submit accounts of verbal abuse, sexual harassment, retaliation & discrimination at work; incl. co. comment



12 Oct 2021 Article

Apple's chief executive Tim Cook faced questions from employees about negative work environment.

Apple employees raise concerns company does not protect and at times invades their personal privacy



30 Aug 2021 Article

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⌚ Timeline activity

The Labor Department is investigating Apple's treatment of employees

Article 13 Dec 2021

Apple fires #AppleToo leader as part of leak probe. She says it's retaliation

Article 15 Oct 2021

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FT - Sept. 2 2021

Apple Inc**US labour board examines retaliation claims against Apple**

Senior engineering program manager's allegations include workplace harassment and job reassignment



Ashley Gjovik was placed on indefinite paid administrative leave a month ago while Apple investigated her accusations © Mike Segar/Reuters

Patrick McGee in San Francisco SEPTEMBER 2 2021

The US National Labor Relations Board is looking into allegations that Apple retaliated against a senior employee who has accused the tech group of permitting a hostile work environment.

Ashley Gjovik, a senior engineering program manager who joined Apple in 2015, filed a “Charge against Employer” last week describing 13 instances of alleged retaliation including workplace harassment, job reassignment and reduction of supervisory responsibilities. Gjovik was placed on indefinite paid administrative leave a month ago while Apple investigated the matter.

The NLRB accepted the case on August 30, according to documents seen by the Financial Times.

Another Apple software engineer, Cher Scarlett, filed a complaint to the NLRB on September 1 on behalf of herself and other employees alleging the suppression of worker organising, specifically with regard to pay surveys and gender pay equity.

The action came after she built a tool that supported pay transparency at Apple, which resulted in both support and criticism of her actions, which she documented on Twitter. Reuters first reported the news.

Gjovik, who told the FT that her tenure at Apple had been a “nonstop hostile work environment and bullying and retaliation”, has been [prolific on social media](#) in recent weeks in drawing attention to allegations of sexism and a hostile work environment at Apple.

Apple said in a statement: “We are and have always been deeply committed to creating and maintaining a positive and inclusive workplace. We take all concerns seriously and we thoroughly investigate whenever a concern is raised and, out of respect for the privacy of any individuals involved, we do not discuss specific employee matters.”

Gjovik’s advocacy came as the tech giant was already on the defensive from #AppleToo, a social media movement of anonymous Apple employees who have called for more accountability at the \$2.5tn tech group long known for corporate secrecy.

The advocacy group said on its [website](#): “We’ve exhausted all internal avenues. We’ve talked with our leadership. We’ve gone to [Apple’s] people team . . . Nothing has changed.”

Gjovik’s specific complaints against Apple date back to mid-March, when she cited unsafe working conditions related to “chemical exposure” at her Apple office in Sunnyvale, California, where more than 100 employees are based.

Her office, known as “Stewart 1” within Apple, is located on what the Environmental Protection Agency [refers](#) to as the “TRW Microwave Superfund site”, a location requiring special oversight owing to previous contamination by hazardous waste materials in the soil and groundwater beneath the building.

In 2016, Apple paid \$450,000 to settle state claims that it mishandled hazardous electronic waste at facilities at their Cupertino headquarters and Sunnyvale.

Gjovik said her concerns were brushed aside and she was warned against speaking up about them. In her letter to the NLRB, she said Apple’s employee relations department “intimidated me not to speak about my safety concerns”, that a manager advised she quit Apple and that she was subject to sexism and a “dramatically increased” workload.

Matters escalated when she took her complaints to Apple’s Slack channels, specifically a 2,000-member forum for female software engineers. She said she was flooded with supportive comments and similar stories of workplace harassment — but she had since been banned from using Slack as part of her administrative leave.

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Reuters - Sept. 3 2021

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September 3, 2021 5:12 AM EDT Last Updated a day ago

Technology

U.S. labor agency probes two complaints from Apple workers

By Julia Love

3 minute read





1/4

The Apple logo is seen through a security fence erected around the Apple Fifth Avenue store as votes continue to be counted following the 2020 U.S. presidential election, in Manhattan, New York City, U.S., November 5, 2020....

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SAN FRANCISCO, Sept 2 (Reuters) - A U.S. national labor agency is investigating two charges against tech giant Apple Inc (**AAPL.O**) filed by employees, records on its website show, amid a wave of worker activism at a company known for its secretive culture.

The charges, filed on Aug. 26 and Sept. 1, are being reviewed by the U.S. National Labor Relations Board's office in Oakland, California. The agency declined to comment.

"We take all concerns seriously and we thoroughly investigate whenever a concern is raised," Apple, which is based in Cupertino, California, said in a statement that cited employee privacy in declining to discuss specifics.

Ashley Gjovik, a senior engineering program manager at Apple, told Reuters that she filed the Aug. 26 charge, which cites harassment by a manager, reduction of responsibilities and increases in unfavorable work, among other complaints.

The Sept. 1 charge was filed by Cher Scarlett, an Apple software engineer who said the company repeatedly stopped discussions of pay among employees.

The documents she sent the agency, which she provided to Reuters, say Apple "engaged in coercive and suppressive activity that has enabled abuse and harassment of organizers of protected concerted activity."

The labor relations agency investigates all charges it receives, and launches a prosecution against the employer if merited.

Workers in Silicon Valley, and especially those of Apple, are known to avoid publicity, reflecting companies' desire to keep new products tightly under wraps.

In recent weeks, some current and former Apple workers have critiqued company culture on Twitter, using the hashtag #AppleToo. U.S. law allows employees to openly discuss certain topics, such as working conditions.

In addition, workers have engaged in a heated debate on the messaging platform Slack about Apple's move to scan U.S. customer phones and computers for child sex abuse images, [Reuters reported. read more](#)

In a letter accompanying her NLRB charge, Scarlett wrote that Apple employees began a pay equity survey in April, but the company blocked them, citing privacy concerns.

It also halted subsequent surveys, including one that aimed to address the privacy issues, Scarlett added.

In late August, Apple denied employees' request to create a Slack channel to discuss pay equity, which Scarlett told Reuters was "the last straw" that led her to file the complaint.

S. labor agency probes two complaints from Apple workers

Gjovik told Reuters that after Apple started investigating her complaints, as well as accusations of sexism, her managers began re-assigning her work to colleagues and loading her up with undesirable tasks.

The company put her on paid administrative leave in early August. She said Apple had not finished its investigation.

Gjovik said she felt encouraged after seeing more employees speaking out about the company's culture in recent weeks.

"The biggest obstacle for making progress at Apple is the culture of secrecy and alienation," she said.

Reporting by Julia Love; Additional reporting by Stephen Nellis; Editing by Leslie Adler and Clarence Fernandez

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Bloomberg - Sept. 3 2021

Technology

National Labor Relations Board Fields Complaints About Apple

By [Nick Turner](#)

September 3, 2021 at 1:37 AM EDT

- Company faces outcry over pay transparency, workplace safety
- Federal agency received the complaints over the past week

The U.S. National Labor Relations Board is looking into two complaints about [Apple Inc.](#), which is facing criticism from employees over issues such as workplace safety and a lack of pay transparency.

The cases were filed on [Aug. 26](#) and [Sept. 1](#), according to the website of the NLRB, a federal agency tasked with ensuring fair labor practices. The board investigates all the complaints it receives and [escalates](#) the cases if it finds sufficient merit.

Cher Scarlett, an Apple engineer, identified herself as the person who filed the Sept. 1 complaint, saying it was on behalf of workers for violations of the National Labor Relations Act. Ashley Gjovik, another Apple engineer, said that she filed the Aug. 26 complaint, which cited harassment by a manager, a retaliatory investigation and forced paid administrative leave.

Gjovik's situation began with fears about whether pollution had made her office a dangerous place to work. She says she was then retaliated against for voicing the concerns.

"I should be able to raise concerns about safety and public policy," she said in an interview Thursday. Gjovik also has filed complaints with the Occupational Safety and Health Administration, California's labor commissioner's office and the Equal Employment Opportunity Commission, according to documents she provided.

Apple, long known as a tight-lipped company, is contending with an outcry over wage transparency and other topics. Scarlett has emerged as a vocal critic of the tech giant on social media, complaining that it shut down multiple pay surveys aimed at making compensation more equitable.

National Labor Relations Board Fields Complaints About Apple Employee
In response to the NLRB complaints, Apple said it's "deeply committed to creating and maintaining a positive and inclusive workplace."

The company takes all concerns seriously, it said, and thoroughly investigates "whenever a concern is raised." Out of respect for privacy, the company declined to discuss specific cases.

In her complaint, Scarlett said she tried to start a channel on the Slack workplace-communications platform to discuss pay equity and the request was denied because it wasn't related enough to work. But another channel on foosball was approved around the same time, she said.

The hashtag #AppleToo -- a riff on #MeToo -- has been used to share the criticism on social media. Apple's plan to root out illicit images from iCloud Photos also has raised concerns among advocates and some Apple employees because of its threat to privacy.

The NLRB says it receives 20,000 to 30,000 charges each year from employees, unions and employers. Agents investigate each complaint, seek evidence and take affidavits. The cases are reviewed by a regional director, and the agency says it typically makes a decision about the merits of a charge within weeks.

The Apple cases have been assigned to the NLRB's office in Oakland, California.

Gjovik said her goal is to bring light to systematic problems at Apple and try to improve policies.

"I want to pierce the veil of intimidation and secrecy," she said in the interview. "The employees are terrified to speak up about their concerns."

– With assistance by Mark Gurman

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Gizmodo - Sept. 10 2021



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APPLE

Apple Fires Program Manager Who Accused Bosses of Harassment, Intimidation

Apple accused Ashley Gjøvik, a senior engineering program manager, of leaking "confidential" information without further explanation.

By Dell Cameron | 9/10/21 12:47AM | Comments (40) | Alerts

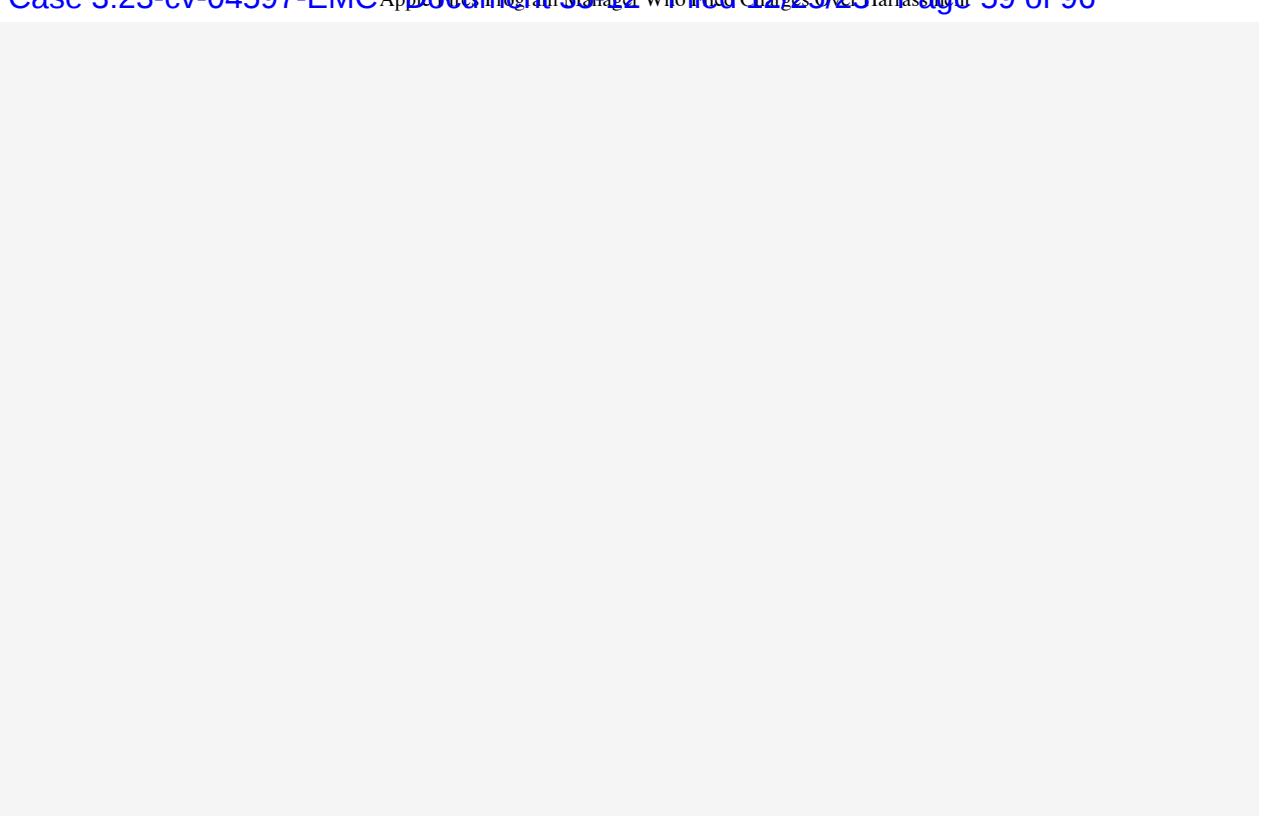


Photo: Sean Gallup (Getty Images)

Not two weeks ago, Ashley Gjøvik filed a complaint with the U.S. labor board charging her employer, Apple, with unlawful retaliation. She'd become too vocal, she said, about her experiences with sexism and concerns about safety in the workplace. The company wanted her stopped.

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On Thursday, she was fired.

Gjøvik is one of two employees who filed charges against Apple last month with the U.S. National Labor Relations Board, alleging harassment and intimidation at the company. (The agency investigates all charges and prosecutes those it can substantiate.) The complaints follow a rare burst of employee activism at Apple, manifesting last month under the hashtag #AppleToo — an overt reference to 2017's Me Too movement, which toppled powerful men long impervious to claims of misconduct.

The employees, who said they were out to expose patterns of discrimination and abuse within Apple, said it had flown under the radar for too long.

In a letter explaining Gjøvik's firing, Apple accuses the (former) senior engineering program manager of disclosing "confidential product-related information," adding that she'd also "failed to cooperate" during the "investigatory process."

G/O Media may get a commission



Gjøvik, who has accused Apple publicly of ignoring harassment by a manager, and of subjecting her to hostile work conditions, said by phone that she knew no specifics about the “confidential information” she was accused of disclosing.

It was Apple, she said, that had disregarded her attempts to cooperate.

Company emails shared with Gizmodo show that Apple had reached out Gjøvik by email Thursday afternoon asking to “connect” with her “as soon as possible today.” “We’re looking into a sensitive Intellectual Property matter that we would like to speak with you about,” the first email she received read.

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“Happy to help!” Gjøvik replied minutes later, with one caveat: She wanted to stick with email, “so we keep everything written please.”

Nearly an hour passed. When Apple did respond, it seemed to ignore Gjøvik’s request entirely—and her enthusiastic agreement to cooperate. “Since you have chosen not to participate in the discussion, we will move forward with the information that we have, and given the seriousness of these allegations, we are suspending your access to Apple systems,” the reply said.

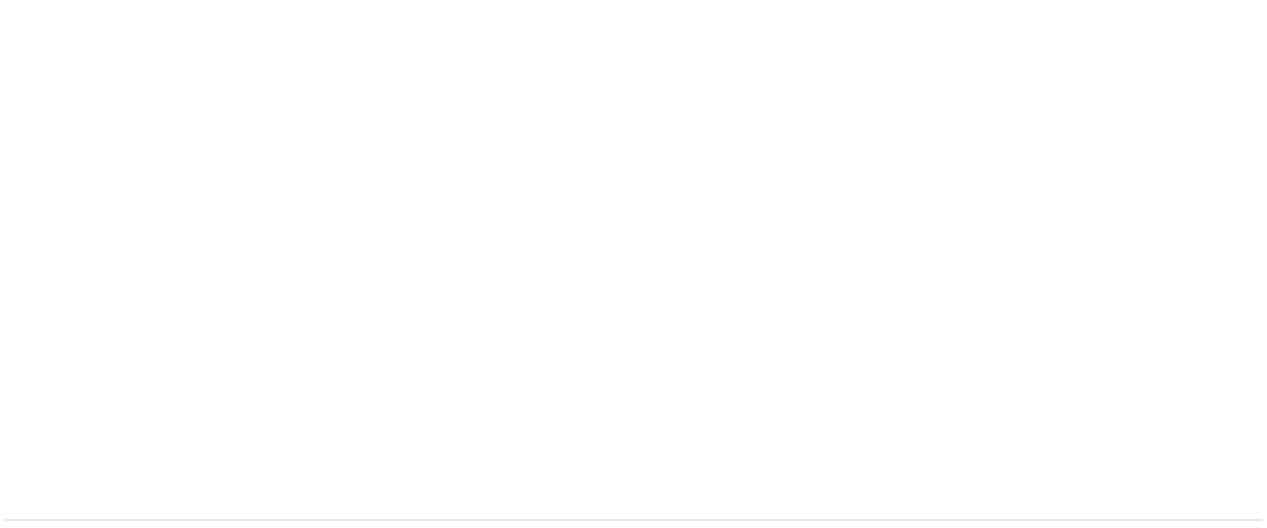
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Gjøvik reiterated, “As mentioned, I am definitely willing to participate in your investigation,” adding: “I offered to help via email to ensure we have a documented [record] of our conversations considering everything that’s currently going on with my investigation and my complaints to the government.”

Added Gjøvik: “I’d really like the opportunity to remedy any actual issues. Please let me know what the issues are so I can make a good faith attempt at that.” If the

company continued to speak only vaguely of accusations against her, she wrote, she'd consider it further proof of retaliation.

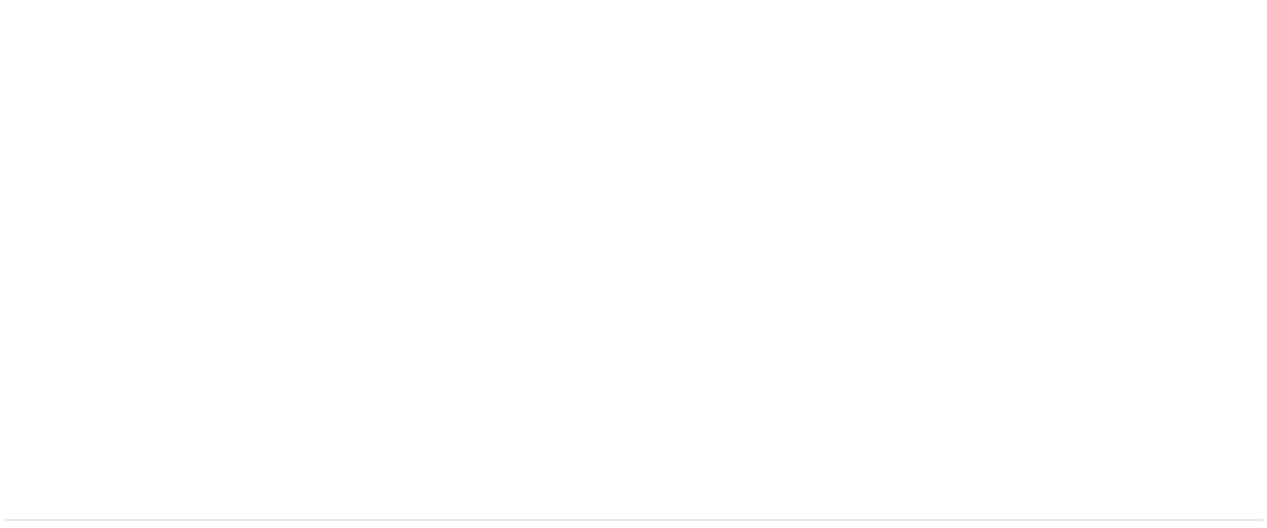
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Apple's email responses then ceased. Hours later she was out of a job.

The termination letter, shared with Gizmodo, illuminated nothing. It repeated the same ambiguous charge and said she'd "failed to cooperate and to provide accurate and complete information during the Apple investigatory process."

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An inquiry to Apple got no response. In a statement to [the Verge](#), however, the company said it would not address any "specific employee matters."

Speaking by phone, Gjøvik's voice cracked up several times. "Apple has been my favorite company since I was a little girl. It was [my] dream to work for them," she said. "Even though I had a terrible experience, I feel like I did really good work. It feels like a betrayal that they've treated me this way."

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Gjøvik said, still, she was not surprised. Since she began raising concerns about workplace safety in March—her office was built on a superfund site that requires special permits due to prior contamination from hazardous waste—she'd been bracing for the blowback.

"I wasn't going to be quiet or slink away. I was going to stand up for myself and my fellow employees," Gjøvik said. "I was going to expose the systemic problems I identified. I was going to organize with employees. I was going to demand internal and public accountability of the biggest company in the world."

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Her only wish, she said, was to make a “dent in the universe” of Apple’s employment and labor practices.

TECH » APPLE

DISCUSSION

By [nopenopenopenopenopenopenope](#)

Not a good look for Apple here.

[See all 40 comments](#)

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Apple Insider - Sept. 10 2021

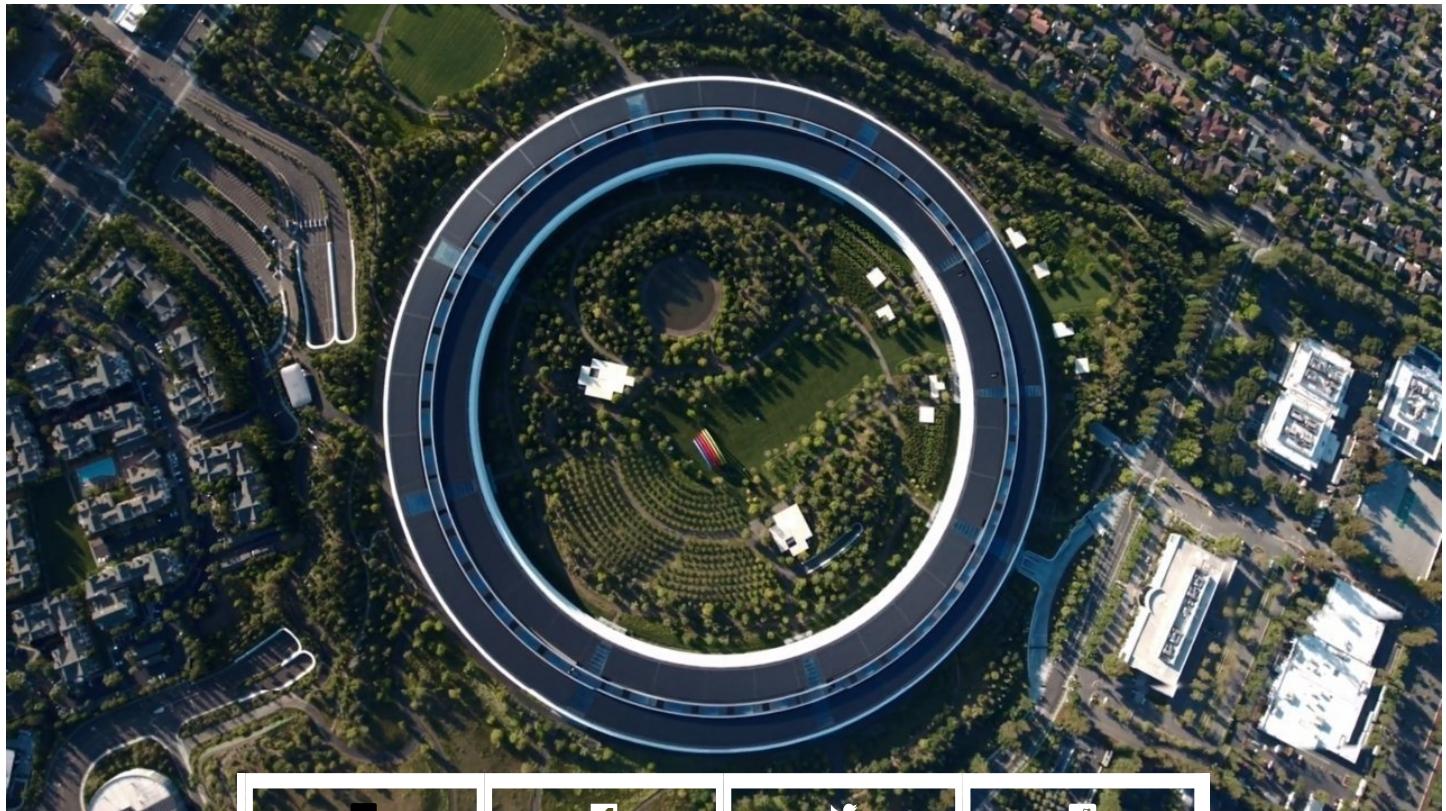
The Wayback Machine - <https://web.archive.org/web/20210910044313/https://appleinsider.com/articles/21/09/10/a-Q>

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Apple fires employee who spoke out on workplace issues, cites alleged leak



Mikey Campbell (<https://web.archive.org/web/20210910044313/https://appleinsider.com/editor/Mikey+Campbell>) | Sep 10, 2021



Apple on Thursday fired Ashley Gjovik for violating company policy regarding disclosure of intellectual property, but failed to specify what confidential information, if any, was leaked. The senior engineering program manager has over the past two months publicly aired concerns over unresolved workplace issues including sexism and discrimination.

Gjovik earlier today received an email from Apple's employee relations team saying that an investigation into a "sensitive intellectual property matter" was underway. The representative demanded that they speak within the hour, but Gjovik requested

(<https://web.archive.org/web/20210910044313/https://www.theverge.com/2021/9/9/22666049/apple-fires-senior-engineering-program-manager-ashley-gjovik-for-allegedly-leaking-information>) adherence past stipulations that all communications be conducted in writing as the correspondence would be included in an



active National Labor Relations Board complaint

(<https://web.archive.org/web/20210910044313/https://appleinsider.com/articles/21/09/03/us-national-labor-relations-board-investigating-two-apple-employee-complaints>), reports *The Verge*.

According to the report, the ER representative said the group would move forward without her input and access to Apple's systems, citing "the seriousness of these allegations." She was informed of her termination in an email sent a couple hours later.

Watch the Latest from AppleInsider TV

Gjovik was fired for allegedly leaking product-related information, according to emails viewed by *AppleInsider*. Apple does not detail the nature of the alleged leak in its termination notice and has not explained particulars of the situation to Gjovik beyond stating that she violated company policy.

"After I started facing retaliation and intimidation last spring, I sadly expected to be fired without any real explanation (as I was today). However, I'm still shocked and hurt," Gjovik said in an emailed statement. "I love Apple products and worked tirelessly to help ensure Apple creates exceptional customers experiences. Me as a little girl playing on my G3 Tower would have never dreamt that company would fire me for advocating for employee rights and labor conditions. [I] feel betrayed."

The program manager has been tweeting about various work-related issues since July and often includes redacted emails and other media in her posts. Beyond a recent ticket relating to potential hazardous waste at her office, Gjovik's timeline does not contain information about products, initiatives or internal services that is not already public knowledge. She did, however, reveal to *The Verge* the existence of an internal product testing tool that records images whenever their iPhone

(<https://web.archive.org/web/20210910044313/https://appleinsider.com/inside/iphone>) is opened.

Employees should in some cases be allowed to reference company communications when flagging workplace issues, Gjovik believes. Apple does not agree. The company recently denied (<https://web.archive.org/web/20210910044313/https://appleinsider.com/articles/21/09/08/apple-wont-make-nda-exceptions-for-workplace-harassment-cases>) a proposal from shareholders and activists to exempt employee non-disclosure agreements when considering reports of harassment and discrimination, saying exceptions are already covered under the Business Conduct Policy. The group has filed a resolution on the matter that will go up for vote at Apple's next shareholder meeting.

The timing of Gjovik's termination is also suspicious. A tweet posted about 10 minutes before ER reached out contained reference to a 2011 incident in which Apple security personnel allegedly posed (https://web.archive.org/web/20210910044313/https://appleinsider.com/articles/11/09/02/sfpd_has_no_record_

as police to search the home of a San Francisco man for a missing iPhone prototype. Gjovik later noted that the ER representative is a member of Apple's Threat Assessment and Workplace Violence team and holds the same title and job description as Anthony Colon, a "senior investigator" named in the supposed house raid.

Gjovik is also scheduled to file an affidavit with the NLRB on Friday.

Today's development arrives as Apple employees begin to organize over reportedly poor handling of workplace grievances. An external effort dubbed AppleToo has collected and is starting to publish hundreds of stories illustrating workplace harassment, sexism, racism, inequity and other serious allegations.

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(<https://web.archive.org/web/20210910044313/https://forums.appleinsider.com/discussion/223877>)

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Bloomberg - Sept. 10 2021



Technology

Apple Fires Manager Who Complained; She Gains Right to Sue

By [Vlad Savov](#) and [Josh Eidelson](#)

September 10, 2021 at 12:29 AM EDT

Updated on September 10, 2021 at 7:24 PM EDT

- Her complaint alleged harassment and retaliatory investigation
- ‘They know that I’m not going to let it go,’ she says

Apple Inc. employee Ashley Gjovik, who filed allegations with the U.S. National Labor Relations Board last month, said she was illegally fired in retaliation and will continue pursuing her legal complaints against the tech giant.

Apple informed Gjovik that it’s terminating her employment for violating policies including the disclosure of confidential product-related information, according to documents that she supplied to Bloomberg News.

“I’m really disappointed because I love Apple,” she said in an interview Friday. “It’s incredibly frustrating that I knew this was coming since March when I started raising concerns about work conditions.”

Gjovik, a senior engineering program manager at the company, filed an Aug. 26 NLRB complaint, which alleged harassment by a manager, a retaliatory investigation and forced paid administrative leave. Her situation began when she voiced fears about whether pollution had made her office a dangerous place to work.

Read more: Apple worker complaints reviewed by labor board

Apple said Thursday that it wouldn't discuss any individual employee matters, out of respect for the privacy of the people involved.

"We are and have always been deeply committed to creating and maintaining a positive and inclusive workplace," the company said. "We take all concerns seriously and we thoroughly investigate whenever a concern is raised."

Gjovik also has filed complaints with the U.S. Occupational Safety and Health Administration, the U.S. Equal Employment Opportunity Commission and California's Department of Fair Employment and Housing, according to documents she provided. The California and U.S. civil rights agencies each issued a right-to-sue notice, giving Gjovik the option to file a discrimination lawsuit in state or federal court.

In her fair employment complaint, Gjovik alleged that she was humiliated, harassed, and discriminated and retaliated against by management, and that Apple employee relations "asked I not share my concerns with other employees" rather than addressing them.

"I have to think they know that I'm not going to let it go," she said in the interview. "I still am very much devoted to holding them accountable for this and trying to make things better for my colleagues and other people in workplaces like this."

– *With assistance by Paige Smith*

(Updates with Gjovik's right-to-sue notice in final two paragraphs.)

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Justia - Sept 20 2021

The Wayback Machine - <https://web.archive.org/web/20210922221902/https://news.justia.com/former-apple-employee-alleges-workplace-violations-and-wrongful-termination>



Former Apple Employee Alleges Workplace Violations and Wrongful Termination

September 20, 2021

Multiple federal agencies are investigating complaints by a former Apple employee. The tech giant recently fired senior manager Ashley Gjovik after she reported alleged workplace issues at Apple. Since the spring, Gjovik had spoken out about perceived patterns of harassment, bullying, sexism, and retaliation. She reported these concerns to authorities within the company, while also publicly tweeting about them. Some of her tweets contained emails and other media, which may have frustrated her employer, although she redacted certain information.

Apple put Gjovik on administrative leave in August and fired her in September. The notice of her termination alleged that she leaked confidential information related to Apple products, without providing details. Gjovik believes that she was fired as illegal retaliation for her whistleblowing efforts.

The former senior manager filed a complaint with the National Labor Relations Board, which will determine whether her allegations are legitimate. If the NLRB finds that they are, the agency will bring a complaint against Apple. In addition, Gjovik has filed a complaint with the federal Occupational Safety and Health Administration. She alleged that her office is located on a Superfund site, which is an area contaminated by hazardous waste. OSHA will review this complaint as well.

Meanwhile, the Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing have granted permission to Gjovik to file a civil lawsuit against her former employer. These agencies respond to complaints of discrimination and harassment in the workplace.

Even if the NLRB does not take action against Apple, Gjovik still may pursue a claim for compensation if she can prove that she was wrongfully terminated. Employment in California and most other states is generally at-will, meaning that either the employer or the employee can terminate the relationship at any time and for any reason. However, an employer may not fire an employee in retaliation for engaging in certain protected activities. These include reporting discrimination, harassment, or other illegal conduct in the workplace.

If her lawsuit moves forward, Apple likely will cite the intellectual property concerns stated in the termination notice as the reason for firing Gjovik. The former senior manager would need to prove that this reason was a pretext for an illegal retaliatory motive.

Photo Credit: S-F / Shutterstock.com

Posted in: Discrimination, Employment Law, Sexual Harassment

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Technology

Apple CEO's Anti-Leak Edict Broke Law, Ex-Employee Alleges

By [Josh Eidelson](#) + Follow

October 12, 2021, 9:33 AM PDT

Updated on October 12, 2021, 10:01 AM PDT

- Gjovik, fired from Apple last month, files new NLRB complaints
- CEO Tim Cook warned employees that Apple was pursuing leakers

Apple Inc.'s restrictive employee handbook rules and Chief Executive Officer Tim Cook's recent pledge to punish leakers both violate U.S. law, according to new complaints that a fired activist filed with the National Labor Relations Board.

In filings Tuesday, former Apple employee Ashley Gjovik alleged that a September all-staff email from Cook, saying that "people who leak confidential information do not belong here," violated the National Labor Relations Act, which protects U.S. workers' right to communicate with one another and engage in collective action about workplace issues.

Cook wrote that Apple was "doing everything in our power to identify those who leaked," and "we do not tolerate disclosures of confidential information, whether it's product IP or the details of a confidential meeting." His email followed media reports about a companywide internal meeting the prior week at which management fielded questions about topics such as pay equity and Texas' anti-abortion law.

Gjovik's filings also challenge what she says are several policies in Apple's employee handbook that illegally interfere with workers' rights, including restrictions on disclosing "business information," talking to reporters, revealing co-workers' compensation or posting impolite tweets.

Apple didn't immediately respond to requests for comment.

Gjovik, a senior engineering program manager, was fired by Apple in September after filing complaints with state and federal agencies, including the U.S. Occupational Safety and Health Administration and U.S. Equal Employment Opportunity Commission, as well as the NLRB.

In documents shared by Gjovik, Apple claimed she was terminated for violating policies such as the disclosure of confidential product information. Gjovik has said she was fired in retaliation for

her prior complaints, which alleged that -- after voicing fears about workplace health hazards -- she was harassed, humiliated and asked not to tell co-workers about her concerns.

Claims filed with the NLRB are investigated by regional officials, who if they find merit in the allegations and can't secure a settlement, then issue a complaint on behalf of the labor board's general counsel. That is then considered by an agency judge. Those judges' rulings can be appealed to the NLRB members in Washington, and then to federal court. The agency has the authority to order companies to change illegal policies and inform employees about their rights, but generally can't hold executives personally liable for alleged wrongdoing or issue any punitive damages.

Complaints like Gjovik's stand a stronger chance of success now that Democratic appointees with union backgrounds run the NLRB's general counsel office and make up the majority of the labor board's members, thanks to President Joe Biden's appointments this year. Employee handbook rules are one of many issues where the agency's new general counsel, Jennifer Abruzzo, has signaled she's interested in challenging Trump-era precedent.

In a precedent-setting 2017 case involving Boeing Co., the NLRB's Republican majority at the time ruled that some company policies' potential negative impact on employees' rights could be outweighed by legitimate business rationales. One of the members who dissented in that case, Lauren McFerran, is now the NLRB's chair and part of the new Democratic majority there that could overturn such precedents.

The rule described in Cook's memo and the policies cited in Gjovik's complaint might be deemed legitimate under the Trump-era Boeing standard, but "most if not all" of them would probably be illegal under earlier, more pro-labor precedents, said University of Wyoming law professor and former NLRB attorney Michael Duff. A case like Gjovik's offers the Biden appointees "an attractive vehicle" to establish a precedent more like the pre-Trump ones, which prohibited rules that workers could "reasonably construe" as banning legally protected activism, Duff said in an email.

The current labor board is very likely to deem statements in Cook's memo illegal, said former NLRB member Wilma Liebman, who chaired the agency under President Barack Obama.

"What he's saying here goes too far" by limiting discussion about meetings where workplace issues are addressed, rather than only leaks about intellectual property, Liebman said in an interview. "It's restrictive of people's ability to talk about employment policies."

Gjovik, who's in law school, said in an interview that she's hopeful her case could help Biden's NLRB appointees establish a new more pro-labor precedent, as well as advancing workplace organizing at Apple by disrupting the company's culture of secrecy.

"Ultimately," she said, "we're never going to see any systemic change at Apple without empowering the employees to feel comfortable speaking out as they are legally protected to."

(Updates with more context in ninth paragraph and Gjovik's remarks in 14th paragraph.)

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Apple Wanted Her Fired. It Settled on an Absurd Excuse

The reasons for firing Ashley Gjøvik include tweeting a photo of herself—taken by her own phone.

By Dell Cameron | 10/14/21 10:53PM | Comments (203) | Alerts



Photo: Ashley Gjøvik

It wasn't hard to tell which way the wind was blowing. [Ashley Gjøvik](#) had even been warned. Somewhere inside Apple, friends and coworkers assured her, higher-ups were having a conversation about how to force her out of her job. There was even consensus among these allies about the route they would take, that she'd violated her confidentiality agreement or placed some proprietary asset at risk.

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on leave and instructing her to avoid colleagues, the company made no attempt to keep her from viewing any sensitive data. “I hadn’t lost any of my account access,” Gjøvik said. “I still had access to the next four years of the Mac roadmap. I still had access to source code for future releases. I still had access to concept review documents.”

Unfortunately for Gjøvik, her friends were right on the money. The hammer fell in early September with the arrival of an emailed request to “speak” privately about a “sensitive Intellectual Property matter.” Right away, emails show, Gjøvik agreed to cooperate, telling the company she was “Happy to help!” Although Apple claimed the matter was serious, no discussion would ever take place. Gjøvik’s repeated attempts to accede to demands were flatly ignored, emails between the two parties show.

Amid the back-and-forth, Gjøvik had only one stipulation: The conversation should be recorded in writing. Given the souring of their relationship, and other ongoing legal matters, documenting the investigation seemed prudent, if not necessary—not some gratuitous attempt to evade scrutiny. But Apple ignored the request entirely as if she’d simply said, “No.”

“Since you have chosen not to participate in the discussion,” a second email to Gjøvik read, “we will move forward with the information that we have.” Her access to company systems was suddenly suspended. Gjøvik tried once more: “I am definitely willing to participate in your investigation,” she wrote, reiterating that she wanted everything in print. “I’d really like the opportunity to remedy any actual issues,” she

Got a tip? Email the reporter: dell@gizmodo.com

The next email said she'd been fired. Among the reasons Apple provided, she'd "failed to cooperate" with what the company called its "investigatory process." It offered no specifics about the "matter" of "intellectual property," which Apple implied she'd somehow violated. Nearly a week would pass before she'd hear anything more.

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Gjøvik, 35, had become persona non grata at Apple soon after raising concerns internally this spring about the vaporous toxins long known to have tainted the soil beneath her Sunnyvale office. Among other polluters in the 1970s, a microwave component maker that once occupied the site had let a slurry of acids, heavy metals, and industrial solvents soak into the ground. A “groundwater plume” made of toxic waste once extended for more than a mile, encompassing schools and hundreds of homes. One of the more dangerous compounds was trichloroethylene, better known as TCE.



Throughout the mid-twentieth century, TCE was widely administered to dental patients and women in childbirth, inhaled as a way to ease pain. Today, it's a known carcinogen associated with childhood leukemia and low birth weight, and other birth defects.

The ground beneath Gjøvik's office—known internally as Stewart 1—was excavated in the mid-1980s and backfilled with gravel and concrete, one of several efforts to mitigate the contamination. In 2014, the Environmental Protection Agency deemed the remedies sufficient. But a year later, air samples were taken at nearby homes and schools and revealed TCE vapors had again reached “unacceptable levels.” In 2019, a new EPA study stated the “vapor intrusion” issue had since been addressed but, it warned, a long-term fix still had to be assessed.

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compound grew after she recalled having once fainted at work for reasons she could not at the time explain. She wanted to know why Apple hadn't done more to keep employees abreast of the situation and asked to talk to a health and safety manager. Notes she recorded during the conversation, later shared with the EPA, stated: "Apple decided no legal requirement."

* * *

Late in the evening on Sept. 15, less a week after Gjøvik was fired, a letter popped up in her inbox. It was from a high-powered law firm, O'Melveny & Myers LLP. Its previous clients include Donald Trump, whom the lawyers defended over the "[massive scam](#)" known as Trump University. "On behalf of Apple Inc.," the letter began. What followed was the first time Gjøvik learned any details about the "intellectual property" she'd been accused of leaking.

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The letter asked her to remove "certain images and video" that she'd posted on social media—a violation, it claimed, of a confidentiality agreement she'd signed six years ago, after starting at Apple. It didn't point to any sensitive documents. None of the material, in fact, was particularly relevant to the charges she'd laid against the company. Instead, it listed two tweets. The first included a photo of Gjøvik taken by her own phone.

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Had it been anything otherwise, one of the dozens of reporters following Gjøvik would've noticed. They're dependably ravenous—even for the most trifling of Apple rumors.

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The photo of Gjøvik contained in tweet no. 1 was captured by an app called Glimmer, which is exclusive to Apple employees. The app takes short videos of users whenever they pick up their phones, tests the company conducts to improve its facial recognition technology. Tweet no. 2 was a handful of email screenshots inviting Gjøvik to volunteer for an “in-person study” in which “high-resolution 3D scans” would be taken of her ears. Both tweets were redacted by Gjøvik to guard company email accounts and other details.

Gjøvik deleted the tweets as asked, but retained counsel to respond to Apple. David L. Hecht, one of the nation’s leading patent litigators, sent the company a letter on her behalf, dismantling Apple’s claims bit by bit. “While I understand that Apple is not opposed to taking aggressive litigation postures (and indeed has a history of doing so),” Hecht wrote, “I remind you of your ethical duties as an attorney regarding the assertion of claims that have no basis in fact.”

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Hecht noted, for instance, that the emails shared publicly by Gjøvik were neither labeled confidential nor contained anything “that could be considered secret or otherwise proprietary.”

“The posted image of the email merely noted what was already known to the public,” he said. “It is no secret that Apple has been scanning a wide range of human ears to perfect its various AirPods products.” Hecht pointed to the fact that Apple’s vice president of product marketing, Greg Joswiak, had spoken publicly about scanning people’s ears: “We had done work with Stanford to 3D-scan hundreds of different ears and ear styles and shapes in order to make a design that would work as a one-size solution across a broad set of the population,” Joswiak told Wired in 2020 for an article touting the “runaway success” of Apple’s AirPods.

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The photos taken by Glimmer—shared with the Verge in August for a debut account of the app’s existence—were also not the property of Apple, Hecht said. Had it

“You have also not alleged how mere images of Ms. Gjøvik, in her home, taken by the Glimmer app, on Ms. Gjøvik’s own phone, could qualify as confidential and/or proprietary information under her [agreement],” Hecht added.

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Gjøvik characterized the app as spyware. “It was taking photos of me in my home, in my bathroom, in bed, anywhere I had my phone,” she said. “And it stored these photos *somewhere* and uploads them *sometimes* to *some place*—they didn’t tell us much.”

Apple did not respond to a request for comment.

Gjøvik had signed a consent form allowing the app to be installed on the phone, but she said such calls to volunteer are often treated as a “loyalty test.” Employees, she said, are expected to participate. “Or we’ll be asked questions like, ‘Why aren’t you doing this to help us with these products?’” (The Verge reported similar claims a month before Gjøvik was fired.)

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Gjøvik said she still catches the app—formerly known as “Gobbler”—trying to access to her iCloud, even though she’s no longer at the company. “Whenever I see it, I still cringe.”

Though not mentioned by the letter, the Glimmer app is evocative of another copyright case known popularly as the “[Monkey selfie](#).” During a trip into an Indonesian forest in 2008, a photographer intentionally left his camera on a tripod, attracting the notice of a crested black macaque. The endangered creature had picked up the camera and reportedly snapped hundreds of photos, including many selfies. Because the photos were later shared widely online without the photographer’s permission, the incident spurred widespread debate among copyright wonks over who actually owned the pictures. The U.S. Copyright Office eventually weighed in, affirming that, in the U.S. at least, photos taken by non-humans were not eligible to copyright by anyone.

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On their face, Apple’s claims against Gjøvik appear entirely pretextual, Hecht told Gizmodo by phone. “In terms of what I’ve seen, yeah, they were looking for a reason



~~Bringing on Hecht was objectively a wise move by Gjøvik. He's one of the few attorneys who can claim to have actually beaten the notoriously litigious tech giant. Only months ago, his firm—Hecht Partners LLP—forced Apple into settling a copyright lawsuit brought against a company called Correllium, the maker of security tools used to detect flaws in iPhone software. Apple, which had failed previously to acquire the company, backed down days before the trial would have begun.~~

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“They were very upset that she was, you know, whistle-blowing,” Hecht said, likening Apple’s investigation of Gjøvik as a search for a problem that didn’t exist. “They’re looking to kind of smear her, you know, find some kind of story that works for them, some kind of narrative that she did something wrong.”

In August, Gjøvik filed charges with the U.S. National Labor Relations Board alleging retaliation for her prior complaints. Gjøvik says she was also pressed into discussing an incident of sexual harassment after briefly mentioning the incident during an unrelated meeting with an employee resource official. The only action the company took, she said, was to identify her to the person she’d accused. Before being fired, Gjøvik had also joined other women at the company who spoke publicly about controversies at the company, including their experiences with sexism and other forms of discrimination.



Gjøvik's charges against Apple are represented by another attorney, Erika Angelos Heath, whose specialty lies in employment contracts and wrongful termination claims. Legal action against Apple, she said, is being weighed by her and her client.

"California law is highly protective of employees who face retaliation after coming forward to complain about certain issues affecting the workplace, such as discrimination and health & safety matters," Heath said in a statement. "Our case is still in the investigatory stage, but Ms. Gjovik alleges that Apple used purported violations of its intellectual property agreement as a pretext for retaliating against her while the company was in the process of investigating her complaints about harassment and discrimination."

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human rights. She's also working with a law center that aids refugees struggling to navigate the nation's asylum process. Regardless of whether her rift with Apple ever breaks in her favor, the experience, for her, has been an eye-opener.

"The first step to get Apple to change its culture is to allow its employees to be able to speak out openly. That's step one. We need them to feel like they can talk to lawyers and the government and each other," she said.

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Without, she added, being fired.

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About this capture

Matt Wille

Oct. 15, 2021

CULTURE

Apple is leaning on weak arguments to defend a senior engineer's firing

Such as claiming a tweeted selfie is the company's intellectual property.



San Francisco Chronicle/Hearst Newspapers via Getty Images/Hearst Newspapers/Getty Images

When Ashely Gjøvik's position at Apple was terminated last month, the company claimed she had been fired for leaking insider information. What information she had supposedly leaked remained a mystery to her — she had been sounding the alarm on various issues at the company, but nothing sensitive.

Less than a week after being fired, Gjøvik received a letter in the mail from O'Melveny & Myers LLP, a powerful law firm perhaps best known for defending Donald Trump over the Trump University fiasco. The letter, Gjøvik tells Gizmodo, asked her to remove "certain images and video" that she'd posted to social media.

The supposedly sensitive material had nothing to do with the internal company issues she'd been posting about on social media. Gjøvik was instead greeted by two of her tweets. One included email screenshots that invited her to volunteer for a study that would include taking high-resolution 3D scans of her ears — an effort to perfect the shape and size of AirPods. The second tweet? A selfie. Just a selfie.



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phones to improve Face ID. Apple is essentially claiming the same is company intellectual property — though the U.S. Copyright Office has made it clear in the past that any photos taken by non-humans cannot be covered by copyright law.

The email screenshots, meanwhile, were not confidential. The public already knew about Apple's ear-scanning research; Steve Jobs, Apple's VP of product marketing, had even spoken about it in interviews.

David L. Hecht, a patent litigator Gjøvik recently brought on to her case, is all but certain Apple is just leaning on these tweets as an excuse. "In terms of what I've seen, yeah, they were looking for a reason to fire her," Hecht said. "They were very upset that she was, you know, whistleblowing."

AND THE NLRB IS INVOLVED — Outside of her own personal legal defense, Gjøvik has also filed complaints with the National Labor Relations Board (NLRB). She first went to the NLRB earlier this year to document her concerns about sexism, a hostile work environment, sexual harassment, unsafe working conditions, and retaliation.

Now she's also working with the NLRB on a case alleging that Apple's anti-leaking policies actually violate U.S. law. Gjøvik alleges that an all-staff email from CEO Tim Cook stating that "people who leak confidential information do not belong here" violated the National Labor Relations Act, *Bloomberg* [reports](#). Gjøvik's latest filings claim that several other policies in the company's employee handbook — like restrictions on talking to reporters and revealing compensation — illegally interfere with workers' rights.

Gjøvik's hope with all these legal proceedings is straightforward: to change what she sees as a poor working environment at Apple.